

REMARKS

Claims 12, 13, 18-21 and 38-42 stand rejected under 35 U.S.C. 103 as being unpatentable over Zeitman (U.S. Patent No. 5,940,481) in view of Yoshida (U.S. Patent No. 5,877,704).

Zeitman purports to disclose a parking management communication system including a central control unit having a data base, a central interface unit and at least one user interface unit. The central interface unit is in communication with the at least one user interface unit via at least one of a wired and wireless communication link.

Yoshida purports to disclose a parking-site reservation control system. To reserve a parking site, communications is performed between an overhead road device disposed above a road and a vehicle-mounted device installed on the vehicle. See Abstract. A reservation information transmission instruction is transmitted to the vehicle-mounted device and reservation information is awaited. When the reservation information is received, reservation confirmation information is transmitted to the vehicle-mounted device and confirmation is awaited. When reservation confirmation is received, the overhead road device petitions for a reservation to determine if the reservation is acceptable. If the reservation is acceptable, the reservation is processed. If the reservation is not accepted, however, a reservation-information transmission instruction is transmitted to the vehicle-mounted device and reservation information from the vehicle mounted device is awaited. Col. 9, ll. 22-48.

Neither Zeitman nor Yoshida, alone or in combination, disclose or suggest at least "auctioning the good or the service" to the customer. The office action is correct that Zeitman does not disclose or suggest auctioning the good or the service to the customer. Yoshida fails to fill the gaps. An auction is "a sale of property to the highest bidder." See, e.g., Merriam-Webster's Collegiate Dictionary, Tenth Edition, 1998, page 75, a copy of which is attached at Appendix A. In Yoshida, if the requested reservation is acceptable, i.e., a parking spot is

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available, a reservation processing number is accepted from the integrated control computer, and the reservation is made. See Col. 9, ll. 36-41. Therefore, there is no auction, e.g., bids from bidders and the sale to the highest bidder, disclosed or suggested in Yoshida. Since neither Yoshida nor Zeitman, alone or in combination, disclose or suggest at least such an auctioning, Applicants respectfully request that the rejection be withdrawn.

In addition, neither Zeitman nor Yoshida, alone or in combination, disclose or suggest "wherein the auctioning allows for at least one offer and at least one counteroffer". The office action is correct that Zeitman does not disclose or suggest that the auctioning allows for at least one offer and at least one counteroffer. Yoshida fails to fill the gap. As discussed in the previous Response to the Office Action, a counteroffer is "a return offer made by one who has rejected an offer." See, e.g., Merriam-Webster's Collegiate Dictionary, Tenth Edition, 1998, page 265. Yoshida does not disclose or suggest a counteroffer. The system of Yoshida discloses that a request for a reservation can be made from the vehicle-mounted device. If the requested reservation is acceptable, the reservation is made and the integrated control computer supplies a reservation processing number. If the requested reservation is not acceptable, another request may be made from the vehicle-mounted device, however, no counteroffer is made by either the overhead road device or the integrated control computer, i.e., the devices that rejected the offer. If a counteroffer were made, then acceptance could be made by the vehicle-mounted device, but this is not the case. Only the integrated control computer can decide that the requested reservation is acceptable. See Col. 9, ll. 22-48. For at least the additional reason that neither Zeitman nor Yoshida, alone or in combination, disclose or suggest the auctioning allowing for at least one offer and at least one counteroffer, Applicants respectfully request that the rejection be withdrawn.

The claims recite auctioning the good or the service to the customer. The claims also recite wherein the auctioning allows for at least one offer and at least

one counteroffer. Since neither Zeitman nor Yoshida, alone or in combination, disclose or suggest at least either of these features, Applicants respectfully request that the rejection to claims 12, 13, 18-21 and 38-42 be withdrawn.

Claims 15 and 22 stand rejected under 35 U.S.C 103(a) as being unpatentable over Zeitman and Yoshida and further in view of Sehr (U.S. Patent No. 6,085,976).

Sehr purports to disclose a travel system and methods that encompass a plurality of service providers and multi-application passenger cards so as to automatically compile, issue, utilize, and process the portable passenger cards for traveling purposes, purchase of travel-related goods and services. The multi-application cards are realized by smart debit and/or credit card technology and have the ability to store and activate a traveler's permit for transportation and other travel services. Biometrics identification of cardholders, as well as cryptographic certification of card data and travel-related information, can optionally be encoded onto the cards and can be verified, including validated, at various point-of-service locations upon presentation of the card. See Abstract.

Neither Yoshida, Zeitman nor Sehr, alone or in combination, disclose or suggest at least "auctioning the good or the service" to the customer. Moreover, neither Zeitman, Yoshida nor Sehr, alone or in combination, disclose or suggest the auctioning allowing for at least one offer and at least one counteroffer. Therefore, for at least these reasons, Applicants respectfully request that the rejection to claims 15 and 22 be withdrawn.

Claims 43 and 59-63 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman in view of DeLorme et al. (U.S. Patent No. 5,948,040). Applicants respectfully traverse.

DeLorme et al. purports to disclose a computerized travel reservation information and planning system that generates "map ticket" output in various media, for guidance and transactions en route. Such print or electronic documents can include bar or alphanumeric codes for automated recognition

and/or access. Menus enable flexible user inquiries accessing selectable geographic, topical, temporal and transactional data records and relational processing. Sub-menus provide further capabilities: e.g. routing, topical searching; searches of events calendars, almanacs, appointment books, related itinerary scheduling; trip budgeting issues, plus travel arrangement availabilities or other goods/services offers. Online communications links access updated or supplemental information on places, times, topics and other provider goods/service offers. See Abstract.

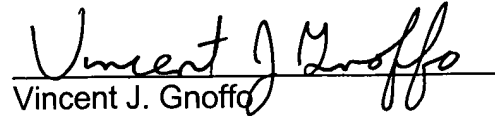
Neither Yoshida, Zeitman, or Delorme et al., alone or in combination, disclose or suggest at least "auctioning the good or the service" to the customer. Moreover, neither Zeitman, Yoshida nor Delorme et al., alone or in combination, disclose or suggest the auctioning allowing for at least one offer and at least one counteroffer. For at least this reason, Applicants respectfully request that the rejection to claims 43 and 59-63 be withdrawn.

Claims 67-68 stand rejected under 35 U.S. C. 103(a) as being unpatentable over Zeitman in view of DeLorme. As discussed above, neither Zeitman nor DeLorme, alone or in combination, disclose or suggest at least the feature of the independent claims of auctioning the good or the service to the customer, wherein the auctioning allows for at least one offer and at least one counteroffer. Thus, for at least these reasons, Applicants respectfully request that the rejection to claims 66-68 be withdrawn.

Where the Office Action takes Official Notice, Applicants respectfully traverse and request that an appropriate prior art reference be supplied.

For all of the above reasons, Applicant respectfully requests reconsideration and allowance of the present application. The Examiner is invited to contact the undersigned attorney at (312) 321-4224 if there are any outstanding issues that could be resolved through a telephone conference.

Respectfully submitted,


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